

United States District Court
Southern District of Texas
FILED

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

JUL - 4 2015

McALLEN DIVISION

UNITED STATES OF AMERICA

David J. Bradley, Clerk

V.

CRIMINAL COMPLAINT

Jacob David Torres
A208 281 185YOB: 1992
PRINCIPAL

United States

Case Number:
M-15- 1085 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 3, 2015 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Blanca Perez-Nunez and Miguel Guadalupe Escamilla-Salas, citizens and nationals of the United Mexican States and four (4) other undocumented aliens for a total of six (6), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location in Mission, Texas to the point of arrest in Mission, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On July 3, 2015 at approximately 2:45p.m., McAllen Border Patrol Agents were advised via radio of heavy scouting activity on the levy near the Old Pepe's on the River in Mission, Texas. Upon arrival at the above mentioned location, Agents F. Mustafa and H. Aguirre were briefed by the previous shift agents that several of the sensors in the area had been taking hits indicating possible illegal alien crossings into the United States. At 3:00 p.m. Agents Mustafa and Aguirre observed a grey Nissan Sentra south of the levee in the driveway of the Old Pepe's on the River Bar/ Restaurant. The area is a notorious load up spot for illegal aliens and narcotics due to its close proximity to the Rio Grande River (approximately 50 yards north of the river). Given that the establishment was closed for business at that time, Agents Mustafa and Aguirre approached the stationary Nissan Sentra on the driveway to get a closer look. Agents noticed the vehicle was heavy laden with many occupants in it. The vehicle did not appear to be of one of the recognized owners nor workers of the venue.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Frediberto Hernandez Senior Patrol Agent
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

July 4, 2015
Date

2:02 PM at

McAllen, Texas
City and StatePeter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15- 1085 -M

RE: Jacob David Torres

A208 281 185

CONTINUATION:

Immediately upon approaching it, agents observed two subjects exit the vehicle and run into the brushy area southwest towards the river. At this point, the agents believed that an illegal alien smuggling attempt was occurring. Agent Mustafa identified himself as a U.S. Border Patrol Agent and began questioning the subjects regarding their citizenship while Agent Aguirre began chasing the two fleeing subjects. The two fleeing subjects were apprehended shortly after. It was determined that the driver, Jacob David TORRES, was a United States Citizen and the 6 passengers were undocumented aliens illegally present in the United States.

TORRES was then placed under arrest and advised of his Miranda Rights by Agent Mustafa in the English language at 3:20 p.m. TORRES stated he understood his rights and was willing to make a statement to agents without an attorney present. TORRES admitted that a male subject was going to pay him \$120 per person smuggled. TORRES stated that he had fallen behind on his car payments and that this was an opportunity for him to catch up with his finances. He stated that he arrived at the Old Pepe's on the River in Mission, Texas where several subjects ran out of the brush and entered into his vehicle.

All subjects were transported to the McAllen Border Patrol station for processing.

PRINCIPAL STATEMENT:

Once at the station, TORRES was reminded that he had been read his Miranda rights at the place of encounter at 3:20pm. TORRES was asked whether he still understood those rights and whether he was still willing to waive his rights.

TORRES stated that he understood his rights and requested to have a lawyer present.

All questioning stopped at that time. After questioning was stopped TORRES insisted on making a statement but the agents advised him again of his rights to have an attorney present during questioning.

MATERIAL WITNESSES STATEMENTS:

Once at the Border Patrol Station, both of the material witnesses were advised of their Miranda Rights. Both stated that they understood their rights and were willing to provide a statement without the presence of an attorney.

1-Blanca PEREZ-Nunez stated that she is a citizen and national of Mexico. Her aunt that resides here in the United States, made the smuggling arrangements for her. Her aunt paid approximately \$1,800 USD in smuggling fees. Once her group was smuggled across the Rio Grande River, they stayed in the brush until they were instructed to get into the car. She remembers that it was a four door car and she sat in the middle of the back seat. She was able to see the driver of the vehicle. PEREZ was able to identify Jacob David TORRES from a photo lineup as the driver of the car.

2-Miguel Guadalupe ESCAMILLA-Salas stated that he is a citizen and national of Mexico. He stated that his group was smuggled across the Rio Grande River by raft. Once in the United States, they waited until a four door car picked them up. He sat behind the driver in the back seat. ESCAMILLA was able to identify Jacob David TORRES from a photo lineup as the driver of the car.